

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**No. 4:21-cr-121-DPM**

**DELLRICK DAVONTE SMITH**

**DEFENDANT**

**ORDER**

Smith seeks immediate release under 18 U.S.C. § 3582(c)(1)(A)(i) based on his alleged diagnosis of hypertension and related issues. It appears that he has fully exhausted his administrative remedies, *Doc. 38 at 3 & 6*, meaning he can seek relief from this Court. 18 U.S.C. § 3582(c)(1)(A). Smith's motion is thin; it's unclear whether his condition is severe enough to place him in the high-risk group. In any event, his motion fails.

The statute requires the Court to consider the § 3553(a) factors in deciding whether to grant compassionate release. The Court sentenced Smith to fifty-one months in BOP custody, which was near the bottom of the guideline range. While Smith does not have a long criminal history, he committed the crime—illegally possessing a gun—while on supervised release. And he admitted that he possessed the gun in connection with a felony drug offense. Shortening his sentence would not reflect the seriousness of his crimes, justly punish him, promote respect for the law, or promote deterrence. All material things

considered, the statute's remedy – reducing Smith's sentence to time served – is not appropriate in this case. His motion, *Doc. 38*, is therefore denied.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

13 April 2023